

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

EDWARD C. SHERMAN,

Plaintiff,

v.

3:16-CV-1342 (BKS/DEP)

COUNTY OF DELAWARE, *et al.*,

Defendants.

Appearances:

Edward C. Sherman
13-B-3651
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562
Plaintiff, pro se

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Edward C. Sherman, a New York State inmate, commenced this civil rights action asserting claims under 42 U.S.C. § 1983 against the County of Delaware and two New York State Troopers. Dkt. No. 1. Plaintiff's Complaint is before the Court for review. On June 5, 2017, Magistrate Judge David E. Peebles issued a Report, Recommendation and Order. Magistrate Judge Peebles recommended that plaintiff's claims against the County of Delaware be dismissed with leave to replead. Dkt. No. 14.

Magistrate Judge Peebles advised Plaintiff that under 28 U.S.C. § 636(b)(1), he had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. Dkt. No. 14, pp. 14-15.

No objections to the Report-Recommendation have been filed.

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Report-Recommendation is adopted in its entirety.

For these reasons, it is

ORDERED that the Report-Recommendation (Dkt. No. 14) is **ADOPTED** in its entirety; and it is further


ORDERED that Plaintiff's claims against defendant County of Delaware are **DISMISSED**, with leave to replead within thirty (30) days from the date of this Order; and it is further

ORDERED that the Complaint is otherwise accepted for filing as against defendants Matthew R. Holecek and John Cornell; and it is further

ORDERED that the Clerk serve a copy of this Order upon the Plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: July 11, 2017


Brenda K. Sannes
U.S. District Judge